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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,189	09/17/1999	JUN KANAMORI	IIZ.008D	9755

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JONES VOLENTINE LLP
12200 SUNRISE VALLEY DRIVE STE 150
RESTON, VA 20191

EXAMINER

RAO, SHRINIVAS H

ART UNIT PAPER NUMBER

2814

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/398,189	Applicant(s) KANAMORI, JUN	
	Examiner Steven H. Rao	Art Unit 2814	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

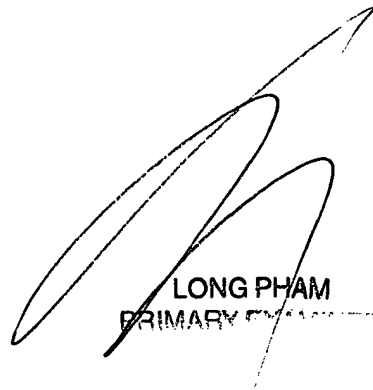
Claim(s) rejected: 2-6,24-34,36 and 38.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: See Continuation Sheet

Continuation of 10. Other: Applicants' have included the limitation previously recited limitations, " the thickness of the silicon region is in a range of 50-100 nm" in claims 35, 37 into independent claims 24 and 30. However, since independent claims 24 and 30 now recite a thickness 50-100 nms dependent claims 36 and 37 (not amended) recite the thickness is less than 70 nm i.e. do not further limit from independent claims 24 and 30. Applicants' may want to recite claims 36 and 38 as having the silicon layer thickness of 50-70 nms. Applicants' arguments are again based on piece meal analysis of the references the rejection is based on the combined teachings of AAPR, Doan, Besser and Xiang and applicants' are still arguing what the AAPR and Besser references individually allegedly do not teach. Applicants' arguments are also not responsive because Applicants' allege that Besser in col. 5 lines 30-35 fails to teach the silicon region having a thickness of 50-100nm, whereas the rejection is based on AAPR spec. page 2;last paragraph which teaches a thickness less than 70nms and Besser. Further claims 24 and 30 as presently recited do not exclude a layer on top of the semiconductor layer similar to layer 46 of Besser. Applicants' arguments that Besser is not concerned with preventing consumption of an underlying SOI layer is directly at odds with Besser Abstract lines 1-3 and col. 5 lines 41-48, etc. Therefore the claims in the 116 amendment do not further amend the claims i.e. are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. All pending claims are rejected. .

SP
4/2/03


LONG PHAM
PRIMARY EXAMINER